



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 18, 1996

Mr. Richard J. Ybarra
Assistant Attorney General
Office of the Attorney General
P.O. Box 12548, MC-018
Austin, Texas 78711-2548

OR96-0342

Dear Mr. Ybarra:

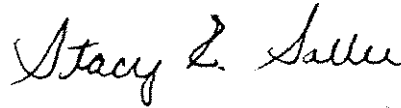
Your predecessor asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 34278.

The Open Records Act imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. See Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. See, e.g., Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests).

The office received the request for information during the last part of January, 1995. However, the office did not seek an opinion as to whether any claimed exceptions to disclosure apply until June, 1995. Based on the information that has been provided to us, the office failed to meet its statutory ten-day deadline. Consequently, we find that you have not met your burden under sections 552.301 through 552.303 of the act and that the information is presumed to be public. Open Records Decision No. 195 (1978).

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. *Id.*; see also Gov't Code § 552.352 (distribution of confidential information is criminal offense). If you have any questions regarding this matter, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 34278

Enclosures: Submitted documents

cc: Ms. Ann M. Land
Legal Assistant
Christie, Pabarue, Mortensen and Young, A P.C.
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Philadelphia, Pennsylvania 19103
(w/o enclosures)